

Chapter 21

CURFEW

ARTICLE I Halloween

§ 21-1. Short title.

§ 21-2. Definitions.

§ 21-3. Time limitations; exceptions.

§ 21-4. Special functions; registration.

§ 21-5. Responsibility of owners of public places.

§ 21-6. Procedures.

§ 21-7. Affirmative defense.

§ 21-8. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Bayville: Art. I, 9-25-1995 as L.L. No. 4-1995. Amendments noted where applicable.]

ARTICLE I Halloween

§ 21-1. Short title.

This Article shall be known and may be cited as the "Village of Bayville Local Law Providing for an Annual Halloween Juvenile Curfew."

§ 21-2. Definitions.

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings given herein. The word "shall" is always mandatory and not merely directory.

EMERGENCY ERRAND — A trip taken to perform a specific task to help to bring aid or comfort or to resolve an unexpected or sudden occurrence which immediately threatens private or public health or safety.

GUARDIAN — Any person other than a parent, who has legal guardianship of a minor.

MINOR — Any person under the age of nineteen (19).

PARENT — The natural or adoptive parent of a minor.

PERSON — Any individual, firm or corporation.

PUBLIC PLACE — Any public or private street, alley, highway or other public thoroughfare, sidewalk, park, woods, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose in the village.

VILLAGE — The Village of Bayville.

§ 21-3. Time limitations; exceptions.

During the periods from 7:00 p.m. on October 30th through 6:00 a.m. on October 31st and from 7:00 p.m. on October 31st through 6:00 a.m. on November 1st each year, it shall be unlawful for any minor to be in any public place or on private property, other than such minor's home or usual place of abode, without the permission of the owner within the Village of Bayville, either on foot, on bicycle or in a vehicle, between the hours of 7:00 p.m. through 6:00 a.m., except:

- A. When accompanied by a parent or guardian;
- B. When the minor is on an emergency errand;
- C. When the minor is on a specific business or activity directed or permitted by his parent or guardian, in writing, identifying the minor, the specific business or activity, the location or locations of such business or activity and the time when such business or activity shall begin and when it shall end, and signed by such parent or guardian;
- D. When the presence of such minor is required in connection with some legitimate employment, trade, profession or occupation; or
- E. When the minor is in a motor vehicle with the consent of his parent or guardian for interstate travel through the village.

§ 21-4. Special functions; registration.

Any minor attending a function sponsored by a school, church or house of worship, political organization or other nonprofit organization that requires such minor to be out during the curfew called for in § 21-3 of this Article, shall be exempt from the provisions of said § 21-3 while traveling directly to such function from the minor's home or usual place of abode, while attending such functions and while traveling directly from such function to the minor's home or usual place of abode, provided that the school, the church, political organization or other nonprofit organization shall register, in writing, in advance with the Village Clerk of the village to have the minor involved be out during said curfew. The registrant shall state the time when the function shall begin and when it shall end and the minor who attends the function shall be required to comply with all of the provisions of this Article before the function shall begin, when not attending the function and after the function has ended.

§ 21-5. Responsibility of owners of public places.

It shall be unlawful for any person operating or having charge of any public place to knowingly permit or suffer the presence of minors between the hours of 7:00 p.m. and 6:00 a.m. during the periods specified in § 21-3 of this Article unless such minors are attending special functions which have been registered with the Village Clerk of the village in accordance with § 21-4 of this Article or are otherwise permitted to be in such public place pursuant to the exceptions to the curfew set forth in § 21-3A through E of this Article.

§ 21-6. Procedures.

- A. Any police or peace officer, upon finding a minor under the age of sixteen (16) in violation of § 21-3 of this Article, shall ascertain the name and address of the minor and warn the minor that he is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of abode. The police or peace officer shall report such action to the parents or guardian of the minor.
- B. If such minor under the age of sixteen (16) refuses to heed the warning or direction given by any police or peace officer or refuses to give the police or peace officer his correct name and address, or if the minor has been warned on a previous occasion that he was in violation of curfew, such minor shall be taken to the 2nd Precinct, Nassau County Police Department in Woodbury and the parent or guardian of the minor shall be notified to come and take charge of the minor.
- C. A minor between the ages of sixteen (16) and nineteen (19) in violation of § 21-3 of this Article will be issued an appearance ticket and/or arrested.

§ 21-7. Affirmative defense.

In the prosecution of any violation of this Article, it shall be an affirmative defense that the defendant was not a minor; had the permission of the owner to be in such public place or on such private property; was accompanied by a parent or guardian; was on an emergency errand; was on a specific business or activity directed by his parent or guardian, in writing, in accordance with § 21-3 of this Article; was required to be in such public place in connection with some legitimate employment, trade, profession or occupation; was in a motor vehicle with the consent of his parent or guardian for interstate travel through the village; or was traveling from his home or usual place of abode directly to a function previously registered with the Village Clerk of the village in accordance with § 21-4 of this Article; was attending such function, or was traveling directly to his home or usual place of abode from such function.

§ 21-8. Penalties for offenses.

Any person violating this Article shall be fined not more than two hundred fifty dollars (\$250.) and/or sentenced to not more than fifteen (15) days in jail for each offense.